IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14261 of 2002

Between:

Kotagiri Venugopal Rao S/o Late Venkatarama Surya Prakash Rao
R/o Gollanapalli Village & Post, Gannavaram Mandal, Krishna District.

..... PETITIONER

AND

1 The Commissioner of Police & Additional District Magistrate,
Vijayawada City Vijayawada
Krishna District.
2 The Secretary, Home (Arms) Department,
The Government of Andhra Pradesh Secretariat Buildings,
Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ , order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in rejecting the arm renewal licence application of the petitioner Dt: 11-09-2001 as illegal , arbitrary and unconstitutional.

Counsel for the Petitioner:MR.B.CHINNAPA REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner herein, who is Ex-Sarpanch, filed this Writ Petition, inter alia, seeking a Writ of Mandamus declaring the action of respondents herein in rejecting the request for the renewal of the gun licence, as per the orders dated 06-02-2002, as illegal.

The case of the petitioner is that on expiry of the licence, he sought for renewal, having regard to his holding of gun licence for the last several years without any complaint of whatsoever in nature, but however, the same being rejected without any valid reason. Hence, the Writ Petition.

The learned Government Pleader appearing on behalf of the respondents submits that earlier the petitioner was prosecuted for the offence under Section S.C. & S.T. (Prevention of Atrocities) Act, 1989. However, having regard to the instructions issued by the Government dated 27-10-2001, his case could not be considered. Further, since the petitioner was a short-tempered, there was every likelihood of misuse of the weapon and it is not public interest for him to carry a weapon. Hence, the rejection is valid.

Considering the submissions made and also on perusal of the material it is found that there is no dispute to the fact that the petitioner was a Sarpanch for some time and he was holding a licence for quite long time and it is his case that the petitioner's father was holding gun licence. Regarding the criminal case against him under the provisions of the S.C. & S.T. (Prevention of Atrocities) Act, 1989, there is no dispute that the said case ultimately ended in acquittal. The only ground shown against the petitioner is short-tempered and every likelihood of misuse the weapon. Having regard to the fact that the petitioner was holding licence all along without any complaint of whatsoever in nature, such ground for rejection is cannot be available for the respondents herein to reject the licence. No other valid reason has been shown against the petitioner disentitling him for renewal.

In the circumstances the Writ Petition is allowed. The impugned order is set aside. The respondents are directed to consider the arm renewal licence of the petitioner. No costs.

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B.PRAKASH RAO, J.

Dated 13-08-2004.

SKMR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Police & Additional District Magistrate,
Vijayawada City Vijayawada
Krishna District.
2 The Secretary, Home (Arms) Department,
the Government of Andhra Pradesh Secretariat Buildings,
Saifabad, Hyderabad.

3. 2CCs to G.P. for Home, High Court Buildings, Hyderad, A.P.(OUT).

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